REMARKS

Applicants respectfully traverse and request reconsideration. Claims 1 through 21 remain pending.

Claims containing the acronym "SID" are objected to for not correlating with a description. See USPTO Office Action, page 2 (mailed Aug. 1, 2008), [hereinafter "OA"]. Independent claims 1, 6, 8, 10, 14 and 19 have been amended to include "system identification" as supported by Applicants' Specification. See U.S. Patent Application Publication No. 2005/0085228 page 1, ¶ 0002 (published Apr. 21, 2005), [hereinafter "Spec."].

Reconsideration and withdrawal of the objection to the claims is respectfully requested in light of the amendments.

Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,734,980 (issued Mar. 31, 1998) to Hooper, et al., of record, [hereinafter "*Hooper*"], in view of U.S. Patent No. 5,442,806 (issued August 15, 1995) to Barber, et al., [hereinafter "*Barber*"]. See OA, page 2.

Regarding independent claim 1

Regarding Hooper, the Office Action admits that Hooper does not teach "logic circuitry, operatively coupled to the memory, and operative to perform a first more-preferred SID acquisition sequence and then a second more-preferred SID acquisition sequence that includes repeatedly attempting acquisition of the at least one more-preferred stored SID element using a same frequency during the second more preferred SID acquisition sequence." See OA, page 3. The Office Action therefore alleges that Barber teaches this subject matter.

Barber appears to disclose one of the previous systems as disclosed by Applicants in their Background of the Invention section of their Specification. See Spec., page 1, ¶¶ 0002 thru

0009. Barber only discloses a method and apparatus involving only a single list of preferred system identification codes (SIDs). See Barber, Abstract. Although Barber discusses primary and secondary systems, these primary and secondary systems refer to the "Standard A/B Systems." See Barber, Abstract. For example, "'A' frequencies are reserved for non-wire line carriers, while 'B' frequencies are reserved for wire line carriers." See Barber, col. 1, line 55 to 57. As stated by Barber, "due at least in part to anticipated cooperation between similar types of carriers, conventional cellular telephones enable users to choose among six carrier selection methods, commonly referred to as the "Standard A/B System Selection Feature." See Barber, col. 1, lines 57 to 62. The system disclosed by Barber therefore is "a method and an apparatus for selecting a cellular carrier frequency for accessing cellular airtime services based upon a list of preferred SIDs." See Barber, col. 2, lines 50-55 {emphasis added}. As stated by Barber, "when an installer technician enters a SID into the preferred list, the Standard A/B system selection function is, while any SID remains in the preferred list, replaced by a substitute system selection function which includes only three carrier selection modes." See Barber, col. 2, lines 58 to 64. Of those three carrier selection modes disclosed by Barber, one is a "SID only mode." See Barber, col. 2, line 63.

Barber uses "status indicators" to "differentiate between no services being available, service being available through a carrier broadcasting a SID matching a home SID (a home carrier), service being available through a carrier broadcasting a SID matching a SID on the preferred list (a preferred SID), and service being available through a carrier broadcasting a SID not matching a home SID or a SID on the preferred list (a non-preferred available SID)." See Barber, col. 3, line 4 through 13.

With respect to the cited section of Barber, specifically col. 4, line 66 to col. 5, line 27, Barber discusses the primary and secondary system designations as referring to the A/B system types. See Barber, col. 4, lines 65 to col. 5, line 10. The cited portion also discusses how coverage holes may occur as a result of various "dead spots or gaps between cell coverage areas." See Barber, col. 5, line 24-26.

However, applicants can find no disclosure in Barber of performing a second more-preferred SID acquisition sequence while repeating attempts to acquire a more-preferred SID. More specifically Applicants find no disclosure in Barber of "a first more-preferred SID acquisition sequence and then a second more-preferred SID acquisition sequence that includes repeatedly attempting acquisition of the at least one more preferred stored SID element using a same frequency during the second more preferred SID acquisition sequence," as recited in Applicant's independent claim 1. Therefore, neither Barber or Hooper, individually or in combination, disclose the features required by Applicants independent claim 1.

Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 1 is respectfully requested.

Regarding independent claims 6, 8, 10, 14, 19

Independent claims 6, 8, 10, 14 and 19 have been rejected "under the same rational set forth in connection with the rejection of claim 1." See OA, page 6. Therefore, these claims are allowable for the same reasons provided above with respect to claim 1.

Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claims 6, 8, 10, 14 and 19 is respectfully requested.

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<u>Regarding the dependent claims</u>

The dependent claims, which add other novel and non-obvious features, are allowable for at least the reasons provided above for the independent claims. Applicants maintain their disagreement with the Office Action's characterization of the features of the dependent claims with respect to the disclosure of Hooper. For example, the Office Action on page 4 maintains that Hooper discloses features of claims 3 as well as claims 12 and 17, including "wherein the logic circuitry is operative to perform the second more preferred SID acquisition if the more-preferred stored SID element is not acquired during the first more preferred SID acquisition sequence" <u>See OA</u>, page 4. However, as Applicants have noted in the record multiple times, the cited portion of Hooper, although performing a background scan, does not repeat within that background scan the sequence, nor does it use the same frequency during a repeated attempt during a second more-preferred SID acquisition sequence. Accordingly, claim 3 is in condition for allowance, as are other claims that recite these features.

Applicants' respectfully request that the Applicants' discussion of the Hooper disclosure be reconsidered with respect to the features of the dependent claims, and that the 35 U.S.C. § 103(a) rejection of the dependent claims be withdrawn on the basis of Applicants' discussions of record.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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